

197.055 Education program on AIDS -- Policies for inmates -- Testing program.

- (1) The Department of Corrections, in conjunction with the Cabinet for Health and Family Services, shall establish a mandatory introductory and continuing education program on human immunodeficiency virus and acquired immunodeficiency syndrome for all inmates. Programs shall be specifically designed for inmates while incarcerated and in preparation for release into the community. Consideration shall be given to cultural and other relevant differences among inmates in the development of educational materials and shall include emphasis on behavior and attitude change. The education program shall be continuously updated to reflect the latest medical information available.
- (2) If there is evidence that an inmate, while in the custody of the department, has engaged in behavior which places the inmate at a high risk of transmitting or contracting a human immunodeficiency disorder, the department shall begin a testing program which is consistent with guidelines of the Centers for Disease Control and recommendations of the correctional medical authority and shall target persons who have been involved in or reasonably thought to have been involved in a high-risk behavior. For purposes of this subsection, "high-risk behavior" includes:
 - (a) Sexual contact with any person within the institution;
 - (b) The use of intravenous drugs;
 - (c) Tattooing; and
 - (d) Any other activity medically known to transmit the virus.
- (3) The results of the tests shall become a part of that inmate's medical file, accessible only to persons designated by agency administrative regulations.
- (4) The department shall establish policies consistent with guidelines of the Centers for Disease Control and recommendations of the correctional medical authority on the housing, physical contact, dining, recreation, and exercise hours or locations for inmates with immunodeficiency disorders as are medically indicated and consistent with the proper operation of its facilities.
- (5) The department shall report to the General Assembly by July 1 each year as to the implementation of this program and the participation by inmates and staff.
- (6) If an inmate is involved in a situation with a department employee which could result, according to the institution's physician, in the transmission of the human immunodeficiency virus infection, the inmate shall be tested.
- (7) All testing procedures, disclosure, and payment shall be pursuant to KRS 438.250.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 99, sec. 171, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 131, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 309, sec. 3, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 211, sec. 47, effective July 14, 1992. -- Created 1990 Ky. Acts ch. 443, sec. 36, effective July 13, 1990.

Legislative Research Commission Note (11/19/91). No subsection (3) was contained in this statute as enacted in 1990 Acts ch. 443, sec. 36. Pursuant to KRS 7.136(1), the Reviser of Statutes has renumbered the subsections of this statute to correct this problem.